

RETURN: MAY 31, 2022

KHADIJAH ABUBAKARI and
ANAS ABUBAKARI

VS.

ELIZABETH SCHENKER

: SUPERIOR COURT
:
:
: JUDICIAL DISTRICT
: OF NEW HAVEN
:
: APRIL 25, 2022

COMPLAINT

1. The plaintiffs are adult residents of Hamden, Connecticut. They are the parents of U.A., a minor child, and they bring this action on behalf of themselves and on behalf of their child.

2. The defendant was at all times mentioned herein a social worker employed by the Hamden Board of Education and was acting in her capacity as such. She is sued, however, only in her individual capacity.

3. This action is brought pursuant to the Accidental Failure of Suit Act, *Conn. Gen. Stat. §52-592(a)*. This action was timely filed against the defendant in the United States District Court pursuant to Sections 1331, 1343(3) and 1367(a) of Title 28 of the United States Code. It was dismissed without prejudice for lack of jurisdiction on December 21, 2021.

4. During the 2016-2017 school year, U.A. was enrolled in the Hamden Elementary School. At a meeting of the school's Pupil Planning Team ("PPT"),

U.A. was identified as a student requiring special education under federal law, that is, the IDEA, and an individual education plan ("IEP") was put in place for the child. The PPT also had determined that U.A. would be provided special education, services and accommodations, including but not limited to a one-to-one paraprofessional to assist the child with his learning disabilities so that he would be able to transition into the Hamden Middle School and continue to succeed there.

5. During the 2017-2018 school year, U.A. was enrolled in the Hamden Middle School.

6. During a PPT meeting in December of 2017, the school officials there changed his IEP to, among other things, eliminate the one-to-one paraprofessional.

7. As a result of the changes, U.A.'s educational progress regressed, although school officials continued to socially advance him through his grade.

8. As a result of the regression, the plaintiffs requested reinstatement of the one-to-one paraprofessional and other special education services and accommodations, in order to reverse the regression and enable U.A. to successfully perform in the middle school.

9. The plaintiffs' requests were denied.

10. At a PPT meeting conducted on February 13, 2018, the plaintiff

Khadijah Abubakari expressly announced that she would pull U.A. out of his enrollment in the Hamden Public Schools and continue to keep him out until the school district provided him with the special education services and accommodations she believed necessary to allow him to progress successfully.

11. She further announced explicitly and on the record that beginning immediately she would be home-schooling U.A., with the assistance of professional tutorial services which the plaintiffs would hire at their own expense, as is specifically provided and permitted by Section 10-184 of the Connecticut General Statutes.

12. The defendant had actual knowledge of everything delineated in Paragraphs 10 and 11.

13. Despite the foregoing facts, on March 22, 2018, the defendant knowingly and maliciously filed a false complaint with the Connecticut Department of Children and Families claiming that the plaintiffs were educationally neglecting U.A. because he "has not been in school since February 13th 2018" and that "Parent has not engaged in communication with school" and that "Parent has been difficult to work with at IEP mtgs. Last meeting was February 13th 2018." The defendant concealed the fact that she had actual knowledge that the plaintiffs were home-schooling their child in compliance with the provisions of Connecticut law.

14. The defendant knew, and intended, that the result of her aforesaid malicious actions would be that the Department of Children and Families would initiate child neglect proceedings against the plaintiffs, would require them to appear in court, and would attempt to remove U.A. from their custody and place him in foster care. She further knew, and intended, that both parents and U.A. would suffer severe emotional distress as a result of her actions and that the plaintiffs would be forced to incur substantial expenses to obtain counsel and attempt to save themselves and their child from her vicious attack.

15. As a proximate result of the defendant's actions, the Department of Children and Families did in 2018 launch an invasive investigation of the plaintiffs and their child and did file a Petition for neglect against them in the Connecticut Superior Court.

16. As a further result of the defendant's actions, the plaintiffs were subjected to a child neglect prosecution in the Superior Court, were required to hire an attorney at substantial expense, were required to appear in court to defend themselves, and suffered great and prolonged fear, anguish, sleeplessness, loss of appetite, and other aspects of severe emotional distress.

17. Finally, on October 17, 2018, because the plaintiffs' attorney was able to prove the malicious falsity of the defendant's accusations, the Department of Children and Families withdrew their Petition for Neglect.

18. The defendant's aforesaid actions were extreme and outrageous.

WHEREFORE the plaintiffs claim judgment against the defendant for intentional infliction of emotional distress.

THE PLAINTIFFS

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PRAYER FOR RELIEF

The plaintiffs claim judgment for compensatory and punitive damages in an amount greater than fifteen thousand dollars (\$15,000.00), exclusive of interest and costs.

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